

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

NEIL LAMBKA,

Petitioner,

v.

CIVIL ACTION NOS.

2:23-cv-00221

2:23-cv-00225

W.V. PAROLE,

Respondent,

ORDER

By standing order entered on January 4, 2016, and filed in this case on March 22, 2023, (ECF No. 3), this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings and a recommendation for disposition (“PF&R”). Magistrate Judge Eifert filed her PF&R on June 22, 2023, recommending that this Court deny Petitioner’s petitions for a writ of habeas corpus; deny his applications to proceed without prepayment of fees and costs as moot; deny his motion for appointment of counsel; and dismiss the two consolidates cases. (ECF No. 13.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the PF&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order. 28 U.S.C.

§ 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R were originally due on June 10, 2023, (ECF No. 13), but this Court later *sua sponte* extended the deadline to August 24, 2023, (ECF No. 16). To date, Petitioner has not filed any objections, thus constituting a waiver of *de novo* review and his right to appeal this Court’s order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 13), and **DISMISSES** this action. The Court further **DIRECTS** the Clerk to remove this matter from the Court’s docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 29, 2023


THOMAS E. JOHNSTON, CHIEF JUDGE